

REMARKS

The Office Action mailed March 7, 2008 has been received and reviewed. Claims 1-24 are in the case. Claims 1-24 stand rejected under 35 U.S.C. § 103(a).

By this paper, claims 1, 13, 16, 17, and 20 have been amended. For the reasons set forth below, claims 1-24 are believed to be in condition for immediate allowance. Favorable reconsideration of the application in view of the following remarks is, therefore, respectfully requested.

Rejection of Claims 1-16 and 20-24 Under 35 U.S.C. §103(a)

Claims 1-16 and 20-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chu in view of an Official Notice taken by the examiner. However, to establish a *prima facie* case of obviousness, the Office action must account for all the recited elements and provide clear articulation of the reason(s) why the claimed invention would have been obvious. See MPEP 2143. With respect to Applicant's newly amended claims, the combination of Chu and the Official Notice does not meet this test.

By this paper, the claims have been amended to more clearly distinguish over Chu. Applicant does not find in Chu any teaching or suggestion of the mining and harvesting modules as required by Applicant. Moreover, Applicant does not find in Chu any teaching or suggestion of the unique combination of the mining module, the harvesting module, and the human intervention required by Applicant. Applicant asserts that the systems of Chu would have to be completely re-engineered before they would be able to deliver such modules and intervention. Such re-engineering would certainly change the principle of operation of Chu and cannot therefore be an obvious modification. See MPEP §2143.01(VI).

Furthermore, the Office Action is silent on this issue. The recited elements were not found in the prior art by the Office Action. Accordingly, the Office Action does not provide a clear articulation of why the claimed invention would have been obvious. Reconsideration is, therefore, respectfully requested.

Rejection of Claims 17-19 Under 35 U.S.C. §103(a)

Claims 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chu in view of an Official Notice taken by the examiner and in view of Ryan. However, to establish a *prima facie* case of obviousness, the Office action must account for all the recited elements and provide clear articulation of the reason(s) why the claimed invention would have been obvious. See MPEP 2143. With respect to Applicant's newly amended claims, the combination of Chu, the Official Notice, and Ryan does not meet this test.

As set forth hereinabove, the claims have been amended to more clearly distinguish over Chu. Applicant does not find in Chu any teaching or suggestion of the mining and harvesting modules as required by Applicant. Moreover, Applicant does not find in Chu any teaching or suggestion of the unique combination of search engine and human intervention required by Applicant. Adding in the teachings of Ryan does not remedy these deficiencies in Chu. Applicant asserts that the systems of Chu would have to be completely re-engineered before they would be able to deliver such interaction. Such re-engineering would certainly change the principle of operation of Chu and cannot therefore be an obvious modification. See MPEP §2143.01(VI).

Furthermore, the recited mining and harvest modules were not found in the prior art by the Office Action. The citation to a search engine server 118 does not meet the recitations of the

claims before or after this amendment. Accordingly, the Office Action does not provide a clear articulation of why the claimed invention would have been obvious. Reconsideration is, therefore, respectfully requested.

In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 9th day of June, 2008.

Respectfully submitted



A. John Dore

Reg. No. 36,234

Attorney for Applicant

Date: June 9, 2008

PATE PIERCE & BAIRD
175 South Main Street, Suite 1250
Salt Lake City, Utah 84111
Telephone: (801) 530-0330
Facsimile: (801) 530-5955

3367-2-1 PAT-FIL-ROA1.wpd